

DELEGATION OF AUTHORITY  
ENFORCEMENT & GENERAL COUNSEL

DELEGATION OF AUTHORITY TO PERFORM FUNCTIONS AS A REGIONAL  
JUDICIAL OFFICER AND PRESIDING OFFICER FUNCTIONS

1. PURPOSE: This Order redelegates from the Regional Administrator to each attorney designated as an ORC Presiding Officer by the Region 10 Regional Counsel, the authority to perform all functions as Regional Judicial Officer under 40 C.F.R. Part 22, and, as Presiding Officer, the authority to preside over administrative proceedings commenced in Region 10 which are generally known as Class I proceedings which are not assigned to a different Presiding Officer.
2. AUTHORITY:
  - A. Under Part 22 of 40 C.F.R., to perform all functions described in 40 C.F.R. § 22.04(b)(3) for a regional judicial officer. This includes specifically the authority under §22.16(c) to rule on all motions before an answer is filed and to enter orders of default and the initial decision upon such default assessing civil penalties or ordering compliance or both as appropriate.
  - B. Under the Clean Water Act (CWA), 33 U.S.C. § 309(g)(2), the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c), the Emergency Planning and Community Right-To-Know Act (EPCRTKA), 42 U.S.C. § 11045, the comprehensive Environmental Response, compensation and Liability Act (CERCLA), 42 U.S.C. § 9609(a), and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 1361, and other similar federal environmental statutes, the standing authority to function as the Presiding Officer in all administrative Class I cases commenced in Region 10 under such statutes, except in those individual cases in which a different Presiding Officer is designated and assigned. This authority includes the authority to issue Order of Default and to recommend decisions thereon to the Regional Administrator, and to request and obtain case-specific delegations of authority to act as the agency final decision maker in any such Class I case.
3. DELEGATED TO WHOM: To each EPA employed attorney (whether in Region 10 or elsewhere) who is designated and appointed by the Region 10 Regional Counsel as a presiding officer for Class I administrative civil penalty proceedings commenced in Region 10.

4. LIMITATIONS: The authority hereby delegated includes the authority to handle all matters in such proceedings from the issuance of the complaint or notices of proposed civil penalty to, and ending with, the submission of a recommended decision in the case to the Regional Administrator.
5. REDELEGATION: The authority to preside over individual Class I cases may be redelegated on a case-by-case basis to such other EPA regional judicial officers and to such attorneys in the Office of Regional Counsel as may be designated in writing (with the concurrence of the Regional Counsel for Region 10) by a Regional Judicial Officer.
6. SUPERSESSON: All previously issued directives pertaining to the delegation of authority to perform functions as a Regional Judicial Officer and Presiding Officer are superseded.

September 29, 1995  
Date

/s/ Chuck Clarke  
Chuck Clarke  
Regional Administrator